

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMILY DAHL, HANNAH REDOUTE,
BAILEY KORHORN, and MORGAN
OTTESON,

Plaintiffs,

-vs-

THE BOARD OF TRUSTEES OF WESTERN
MICHIGAN UNIVERSITY; EDWARD
MONTGOMERY, President of WMU; KATHY
BEAUREGARD, WMU Athletic Director; and
TAMMY L. MILLER, Associate Director
of Institutional Equity,

Defendants.

David A. Kallman (P34200)
Stephen P. Kallman (P75622)
Erin E. Mersino (P70886)
Jack C. Jordan (P46551)
GREAT LAKES JUSTICE CENTER
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**MOTION TO AMEND
TEMPORARY RESTRAINING
ORDER AND CERTIFICATE
OF SERVICE**

CASE NO.:1:21-cv-757

HON.: PAUL L. MALONEY

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PLUNKETT COONEY
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MOTION TO AMEND TEMPORARY RESTRAINING ORDER

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs, Emily Dahl, Hannah Redoute, Bailey Korhorn, and Morgan Otteson (collectively referred to as "Plaintiffs"), by and through undersigned counsel, hereby move this Honorable Court to Amend the Temporary Restraining Order (TRO) issued on August 31, 2021 (ECF No. 8) for the reasons stated below:

1. Since Plaintiffs filed their lawsuit and this Honorable Court issued the Temporary Restraining Order, Plaintiffs have been contacted by numerous other student athletes

at Western Michigan University (WMU) who had their religious accommodation requests denied regarding the COVID-19 vaccine.

2. The parties have been in communication to discuss the most expedient means of addressing this issue.
3. Plaintiffs propose for this Honorable Court to amend its TRO (ECF No. 8) to expand its application to all student athletes who requested a religious accommodation to the mandated COVID-19 at WMU pending the hearing currently scheduled with this Honorable Court on September 9, 2021 at 1:30 p.m.
4. Without waiving any argument that the policy is constitutionally valid and the TRO should not be continued beyond September 9, 2021, in order to avoid a multiplicity of litigation at this stage of the proceedings that will create a burden on the parties and the Court, the Defendants do not actively oppose the Plaintiffs' request.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court amend the current TRO (ECF No. 8) to now apply to all student athletes who requested a religious accommodation to the mandated COVID-19 vaccine at WMU.

Respectfully submitted,

GREAT LAKES JUSTICE CENTER

/s/ David A. Kallman
David A. Kallman
Stephen P. Kallman
Erin E. Mersino
Jack C. Jordan
Counsel for Plaintiffs

Approved as to form and content:

/s/ David A. Kallman
David A. Kallman
Attorney for Plaintiffs

/s/ Michael S. Bogren
Michael S. Bogren
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2021, a copy of the foregoing Motion To Amend Temporary Restraining Order, was filed electronically with the Court. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the court's electronic filing system. Parties may access this filing through the court's system.

GREAT LAKES JUSTICE CENTER

/s/ David A. Kallman
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